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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,895	08/02/2001	Peter A. Goode	22.1410	9846

35204 7590 02/14/2006

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EXAMINER
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BEACH, THOMAS A

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 02/14/2006

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/920,895  
Filing Date: August 02, 2001  
Appellant(s): GOODE ET AL.

**MAILED**

FEB 14 2006

**GROUP 3600**

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Fred G. Pruner, Jr.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed October 17, 2005 appealing from the Office action mailed May 04, 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 10-13, 25, 26, 28, 29, 44-48 and 50-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Kilgore 6,182,765. Kilgore shows a method including of halting the flow of fluid in a well (since the pressure within the well is used to retrieve the tool 315, the fluid, and thus pressure, must not be present in order for the tool to "free fall", therefore inherent of Kilgore - col. 5, lines 59-62); deploying a tool 315 from within the well while the fluid is halted (col. 6, lines 64-67); allowing the tool to free fall in the well while the fluid is halted (col. 5, lines 5-7 & col. 6, lines 64-67); and resuming the flow, pressure within the well could only be from the fluid, to retrieve the tool (col. 7, lines 1-12). As concerns claims 12, 44 and 46, Kilgore shows using the tool to measure a property of the well at a predetermined depth using the (col. 6, line 67).

As concerns claims 11 and 45, Kilgore shows introducing a delay to allow the tool to reach a given depth, slowdown of descent of the tool controlled by 430 (col. 6 lines 65-66).

As concerns claims 13 and 47, Kilgore shows using the tool to perform a test in the well (col. 6, lines 66).

As concerns claims 26 and 48, Kilgore shows using the tool to take a corrective action in the well (col. 6, line 67 and col. 7, line 1).

As concerns claims 28 and 50, Kilgore shows triggering the halting in response to a command (col. 5, lines 48-50).

As concerns claim 29 and 51, Kilgore shows triggering the halting in response to a previous measurement indicating intervention is needed in the well since Kilgore is capable of once a problem is detected (col. 7, line 1) another tool may be selected and utilized which will be dropped in free fall to its determined height using the computer 430.

#### **(10) Response to Argument**

Appellant 's arguments regarding Kilgore are noted; however, as noted above in the rejection, Kilgore has contemplated and discussed "free fall" of a tool with in the well (col. 5, lines 59-62), thus inherency clearly flows from the reference since free fall requires the halting of pressurized fluid flow in order for the tool deployment to free fall. Furthermore, free fall means to fall free from any type of restriction; restrictions would include fluid since it would restrict how an object free falls.

As noted above in the rejection, Kilgore discloses the method of halting fluid flow in the well (col. 5, lines 5-7 & col. 6, lines 64-67). Since Kilgore directly states that pressurized fluid is used to retrieve the tool 315, there is an inherent connection that

flows from the passages where Kilgore discusses free fall, only the tool 315 is being described and contemplated. This prevents any notion of reasonable doubt being applied to inherency of this method being shown as asserted by the examiner. Appellant makes the statement that since Kilgore shows other way for the tool to descend and be retrieved, inherency is not applicable. It is key to point out that this statement only applies to descending and not free fall, to which the examiner is applying inherency.

Appellant 's arguments regarding other possible surface mechanisms, i.e. the plunger and bumper system are noted; however, this passage is basis of the background and not the invention of Kilgore. This passage highlights the failures of other systems. Furthermore, it is not stated that "free fall" occurs with a fluid in the passage cited by the appellant. Finally, appellant appears to argue that halting is not occurring while flowing the tool back to the surface, while this may be true it is not persuasive since this is the step after halting flow and used to return the tool. This is separate and distinct from the method step of free fall.

#### **(11) Related Proceeding(s) Appendix**

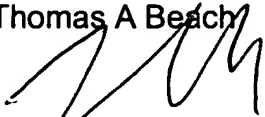
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 3671

Respectfully submitted,

Thomas A Beach



Conferees:

David Bagnell



Darnell Jayne

